



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT BOMET

CRIMINAL CASE NO. 3 OF 2020

REPUBLIC.....DPP

VERSUS

AKM.....ACCUSED

RULING ON BAIL

1. The Accused is charged with the offence of murder contrary to section 203 as read with section 204 of the Penal Code Cap 63 Laws of Kenya. The particulars of the offence are that on the 23rd day of February, 2020, within Bomet County murdered Nicholas Kiprotich Yegon.

2. The Accused took plea on 11th March, 2020 before Dulu J and denied the charge. On the same date, learned defence counsel Mr. Leteipa requested the court to order a pre bail report to enable him make an application for bond. Counsel informed the court that the Accused was a minor.

3. The application was made before me on 23rd October, 2020. In urging the application, Mr. Leteipa prayed that the minor offender be granted reasonable bond terms. He submitted that the minor offender was a form two student at [Particulars Withheld] Secondary School and that the family of the deceased had no objection to the offender being granted bond. He urged the court to consider the best interest of the child.

4. On his part, learned prosecution counsel Mr. Mureithi submitted that the prosecution had no objection to the Applicant being granted bond. He observed that the pre bail report was favourable to him.

5. A pre- bail probation report was filed in court on 3rd August, 2020. The report states that both the minor offender and the deceased were known to one another and their respective families hailed from the same locality and enjoyed a cordial relationship. The report further stated that both families had started the process of reconciliation and were agreeable to the minor offender being granted bond.

6. I have considered the application. I find that the minor offender qualifies for the grant of bail/bond as provided for by Article 49(1) (h) of the Constitution. No compelling reasons to deny him bond have been brought to my attention by the state. The pre - bail report is also favourable to him.

7. The minor offender is granted bail/bond on the following conditions: -

i. The minor offender's parent or guardian shall post cash bail of Kshs. 500,000/=

ii. In the alternative, the minor offender's parent or guardian shall execute a personal bond of Kshs. 500,000/= and provide one surety of Kshs. 500,000/=.

iii. In addition to (1) or (11) above, the minor offender shall keep the peace, maintain good conduct, respect lawful authority and observe school rules. Evidence of his continuing education and good conduct shall be availed to the court at the conclusion of each school term until the trial is concluded.

iv. He shall attend court whenever required and shall not impede the trial in any way.

8. Orders accordingly.

Sentence delivered, dated and signed this 28th day of October, 2020.

R. LAGAT KORIR

JUDGE

Sentence delivered in the presence of the Minor offender, Defence Counsel Mr Leteipa, Mr. Mureithi for the DPP, and Kiprotich (Court Assistant).